

APPEAL NO. 021210
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 16, 2002. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is 12%. The appeal submitted on behalf of the claimant requests that review be abated since the claimant died on _____, and administration of the decedent's estate is pending in the probate courts of Harris County, Texas. As an alternative to abatement, the appeal requests that the hearing officer's determination be reversed and that a new IR be rendered by the Appeals Panel. The respondent (carrier) filed a response, urging affirmance of the hearing officer's determination.

DECISION

Reversed and remanded.

This case is remanded for the purpose of compliance with HB2600 amending Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

- (c) At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the [CCH].

The procedure for implementing this statutory amendment is in the June 19, 2001, Texas Workers' Compensation Commission (Commission) memorandum to hearing officers entitled "Required Insurance Carrier Information." A rehearing on remand is required to obtain this information and admit it into the record. Although the Decision and Order in this case lists a Hearing Officer's Exhibit No. 2 as the Insurance Carrier Information, and this exhibit was discussed and admitted into the record, there was no such exhibit attached to the other exhibits in this case or in the file. The hearing officer may reissue his original decision, as the Decision on Remand, with the added information, or he may incorporate by reference the original decision into a Decision on Remand, with the added information.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Michael B. McShane
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge